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Attorney for Plaintiff

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF NEVADA**

10 FRANK MARKS, individually;
11 Plaintiff,

Civil Action No. 2:24-cv-00236

12 v.

13 USAA CASUALTY INSURANCE COMPANY;
14 NATIONWIDE GENERAL INSURANCE
COMPANY, DOES I through X, inclusive,
15 Defendants.

16
17 **STIPULATION AND ORDER FOR EXTENSION OF TIME FOR PLAINTIFF TO FILE A**
18 **RESPONSE TO DEFENDANT USAA CASUALTY INSURANCE COMPANY'S MOTION**
19 **TO DISMISS PLAINTIFF'S SECOND AND THIRD CAUSES OF ACTION AND**
20 **MOTION TO STRIKE PLAINTIFF'S REQUEST FOR PUNITIVE DAMAGES AND**
21 **ATTORNEY'S FEES**

22 On February 9, 2024, Defendant USAA Casualty Insurance Company ("USAA") filed its
23 Motion to Dismiss Plaintiff's Second and Third Causes of Action and Motion to Strike Plaintiff's
24 Request for Punitive Damages and Attorney's Fees. Plaintiff's response to Defendant USAA's
25 Motion is currently due on February 23, 2024. The parties have discussed the potential for resolving
26 the claims at issue in this civil action via alternative dispute resolution, but have not yet finalized
27 an agreement regarding same. To allow the parties additional time to explore the potential use of
28 alternative dispute resolution, the parties have agreed to extend the time for Plaintiff to file a
Response to Defendant USAA's Motion for a period of thirty (30) days.

This Stipulation is submitted in good faith and is not interposed for purposes of delay. This is the first request to extend the deadline for filing Plaintiff's Response to Defendant USAA's Motion to Dismiss Plaintiff's Second and Third Causes of Action and Motion to Strike Plaintiff's Request for Punitive Damages and Attorney's Fees.

Accordingly, the parties respectfully request that the Court grant this stipulation to extend the time for Plaintiff to file a Response to Defendant USAA's Motion to Dismiss Plaintiff's Second and Third Causes of Action and Motion to Strike Plaintiff's Request for Punitive Damages and Attorney's Fees to March 25, 2024.

Respectfully submitted this 22nd day of February 2024.

JEREZ LAW, PLLC

SPENCER FANE

/s/ Isaiah A. Jerez
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Nevada Bar No. 6141
6385 S. Rainbow Boulevard, Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Nationwide General Insurance Company

ORDER

Based upon the Stipulation of the parties hereto, and for good cause, IT IS HEREBY ORDERED, that the Stipulation to Extend hereinabove is hereby GRANTED.

DATED this 22 day of February, 2024.

Plaintiff's deadline to file a Response to Defendant USAA's Motion to Dismiss Plaintiff's Second and Third Causes of Action and Motion to Strike Plaintiff's Request for Punitive Damages and Attorney's Fees is now March 25, 2024.


UNITED STATES DISTRICT JUDGE

From: [Bacon, Mary](#)
To: [Kristie Fischer](#); [Taylor, Jennifer](#)
Cc: [Isaiah Jerez](#); [Angeli Gozon](#)
Subject: Re: Marks v. USAA / Nationwide (Case No. 2:24-cv-00236)
Date: Thursday, February 22, 2024 11:33:30 AM
Attachments: [image001.png](#)
[image002.png](#)

Please accept this email as authorization to apply my e-signature.

Mary Bacon
702-408-3411
MBacon@spencerfane.com
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From: Kristie Fischer <kristie@JerezLaw.com>
Sent: Wednesday, February 21, 2024 5:55:39 PM
To: Bacon, Mary <mbacon@spencerfane.com>; Taylor, Jennifer <Jennifer.A.Taylor@lewisbrisbois.com>
Cc: Isaiah Jerez <Isaiah@JerezLaw.com>; Angeli Gozon <angeli@JerezLaw.com>
Subject: [EXTERNAL] RE: Marks v. USAA / Nationwide (Case No. 2:24-cv-00236)

[Warning] This E-mail came from an External sender. Please do not open links or attachments unless you are sure it is trusted.

Good Afternoon,

I have attached for your review a proposed stipulation. Please review the attached and let me know if you propose any changes or confirm that I have your permission to affix your electronic signatures. As the current deadline for Plaintiff to file a response to the motion is 2/23/24, please get back to me by tomorrow. Thank you in advance for your prompt attention to this matter.

Kristie L. Fischer, Esq.

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P (702) 941-7660
F (725) 888-4717

From: Bacon, Mary <mbacon@spencerfane.com>
Sent: Wednesday, February 21, 2024 1:36 PM
To: Kristie Fischer <kristie@JerezLaw.com>; Taylor, Jennifer <Jennifer.A.Taylor@lewisbrisbois.com>
Cc: Isaiah Jerez <Isaiah@JerezLaw.com>; Angeli Gozon <angeli@JerezLaw.com>
Subject: RE: Marks v. USAA / Nationwide (Case No. 2:24-cv-00236)

Thank you, and understood. That should help me get an answer faster.

Send me a stip to continue the opposition date and I'll turn around an approval in short order.

Mary Bacon Attorney at Law
Spencer Fane LLP

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O 702.408.3411
MBacon@spencerfane.com | spencerfane.com

From: Kristie Fischer <kristie@JerezLaw.com>

From: Taylor, Jennifer
To: Kristie Fischer
Cc: Bacon, Mary; Isaiah Jerez; Angeli Gozon; Versoza, Jeannette
Subject: Re: [EXT] RE: Marks v. USAA / Nationwide (Case No. 2:24-cv-00236)
Date: Thursday, February 22, 2024 12:07:05 PM
Attachments: [image001.png](#)
[image002.png](#)
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[mansfieldcertificationbadgecolor2022-202349pxhigh_6cc944fa-64d3-407e-bbe4-704052c31b42.png](#)
[image001.png](#)
[image002.png](#)
[Stipulation to Extend Briefing Schedule.docx](#)

You can affix my signature.

Jennifer Taylor
Sent from my iPhone



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On Feb 21, 2024, at 5:55 PM, Kristie Fischer <kristie@jerezlaw.com> wrote:

Good Afternoon,

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Kristie L. Fischer, Esq.

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Cc: Isaiah Jerez <Isaiah@JerezLaw.com>; Angeli Gozon <angeli@JerezLaw.com>
Subject: RE: Marks v. USAA / Nationwide (Case No. 2:24-cv-00236)

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